IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2531 OF 2007

Mr.Jagannath Maruti Khateghare..... .....
Petitioner
V/s
The Head Master, Govt. Technical School & Anr..... .....
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.D.K.Botkondle & Vikas Shivarkar,
Advocates for the petitioner.

CORAM: A.P. DESHPANDE, J.
11.4.2007

PC:

The petitioner filed a complaint before the Industrial Court purportedly making a grievance about the commission of unfair labour practice by the respondent covered by items 9 and 10 of Schedule IV of MRTU & PULP Act. The petitioner claimed that he had completed 240 days in each year of his service and hence claims permanency. The Industrial Court has in the first place

found that the petitioner has not worked continuously for 240 days in the year. A further finding of fact is recorded that the appointment of the petitioner was not in conformity with the rules in relation to appointment but the appointment of the petitioner was ad-hoc and made without he undergoing any process of selection. Relying upon the ratio laid down by the Supreme Court in the case of ***A Umarani*** v. ***Registrar Cooperative Societies & Ors.,*** 2004 III CLR 85 the Industrial Court has declined to grant permanency and dismissed the complaint. Aggrieved thereby the present petition has been filed. Perused the judgment of the Industrial Court. It does not call for any interference. No employee can claim a right of permanency on completion of 240 days, even assuming that the petitioner has so completed. There is no merit in the petition. Same is summarily dismissed.

11.4.07.